



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

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Douglas W. Domenech  
Secretary of Natural Resources

David K. Paylor  
Director

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January 25, 2010

### ADDENDUM NO. 1 TO ALL OFFERORS:

Reference – Request for Proposal: RFP #10-04-PJ  
Commodity: Investigation and Remediation of Petroleum  
Contamination (State Lead)  
Dated: December 15, 2009  
For Delivery To: Department of Environmental Quality  
Proposal Due: February 26, 2010, 2:00 p.m.  
Pre-Proposal Conference: January 19, 2010, 10:00 a.m.

The above is hereby changed to read:

**See attached.**

Note: A signed acknowledgment of this addendum must be received at the location indicated on the RFP either prior to the proposal due date and hour or attached to your proposal. Signature on this addendum does not substitute for your signature on the original proposal document. The original proposal document also must be signed.

Sincerely,

A handwritten signature in cursive script that reads "Patsy Jones".

Patsy Jones  
Procurement Manager  
Phone: (804) 698-4335

\_\_\_\_\_  
Name of Firm

\_\_\_\_\_  
Signature/Title

\_\_\_\_\_  
Date

1. **Section IV, Proposal Preparation and Submission Instructions, B, 2d, Project Experience, Item 2:**  
**Change from:**  
Include not more than 10 projects.

**Change to:**

Include not more than 10 projects completed by the contractor, and may include up to 5 projects completed by all subcontractors.

2. **Section VI, Reporting and Delivery Instructions, A, 3, Work Plan Budget:**  
**Change the 3<sup>rd</sup> paragraph to read as follows:**

The contractor may not define material codes, except as noted in this paragraph. When an M-code for a material is not available, the contractor may create an X-Code for the material. Each X-Code must be labeled chronologically (i.e., X001, X002, X003... etc.) All X-codes must be identified on the AAF and approved by the DEQ Case Manager before the contractor may bill the DEQ for any X-code. Unless otherwise directed by the State Lead Case Manager, the contractor must obtain and provide at least three bids for X-coded items that are reasonably expected to cost more than \$1,000 over the duration of the CAP Implementation. The DEQ will pay the lowest bid price for the material.

Activities or items should be logically organized or grouped to facilitate bidding and under no circumstances should activities or elements that logically belong together be split apart in an effort to avoid bidding. When this appears to occur, payment may be limited to a total of \$1,000 for all the related scopes of work.

3. **Section VI, Reporting and Delivery Instructions, D, 3, Prices:**  
**Insert a 2<sup>nd</sup> paragraph:**

Labor rates for State Lead contractor personnel performing emergency response work shall be billed at the emergency response labor rates listed in the State Lead pricing schedule. Supplies and equipment used by the State Lead contractor while performing emergency response work shall be billed at the rates listed in the State Lead pricing schedule. If the State Lead contractor engages a subcontractor to provide emergency response services, the State Lead contractor will bill DEQ "at cost" for the work performed by the subcontractor. A G&A fee for "at cost" items is allowed per the G&A rate schedule.

4. **Section VIII, General Terms and Conditions, T, Insurance:**  
**Delete and replace with:**

**INSURANCE:** By signing and submitting a proposal under this solicitation, the offeror certifies that if awarded the contract, it will have the following insurance coverage at the time the contract is awarded. For construction contracts, if any subcontractors are involved, the subcontractor will have workers' compensation insurance in accordance with §§ 2.2-4332 and 65.2-800 et seq. of the *Code of Virginia*. The offeror further certifies that the contractor and any subcontractors will maintain these insurance coverages during the entire term of the contract and that all insurance coverage will be provided by insurance companies authorized to sell insurance in Virginia by the Virginia State Corporation Commission.

1. Commercial General Liability Insurance to include bodily injury, property damage, contractual liability, fire legal liability, personal injury and products and completed operations. The limits shall be a minimum of \$1,000,000 per occurrence, with a minimum General Aggregate of \$2,000,000 and

a Products & Completed Operations Aggregate of \$2,000,000. The policy shall be endorsed to name the Commonwealth and DEQ, its officials, employees and agents as Additional Insureds.

2. Professional Liability Insurance covering errors and omissions for all contractual work performed. This shall cover by name all licensed, certified and registered professionals as well as any individuals holding themselves out to the public as having greater than average expertise in environmental consulting or any other work performed under this contract. A minimum limit of \$3,000,000 shall be required. This is a claims-made coverage so there shall be a minimum of a three year "tail" coverage endorsed to the policy.
3. Pollution Liability Insurance in broad form comparable to ISO Form CG 00 39, to include sudden and accidental losses and environmental clean-up. The limits shall be a minimum of \$1,000,000 per occurrence, with a minimum aggregate of \$3,000,000.
4. Commercial Automobile Liability Insurance endorsed to cover "any auto, hired or non-owned" with a minimum of \$1,000,000 Combined Single Limits. This is to cover any vehicle used by the contractor or an agent of the contractor in fulfilling the terms and conditions of the contract.
5. Workers' Compensation Insurance as required by the Code of Virginia, and Employer's Liability in an amount of not less than \$1,000,000 per accident, injury or disease.

No policy should be cancelled by any party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the agency.

The contractor and insurer agree to commit the full policy limits to this contract.

Any deductible or retention by the contractor shall be reported to the agency and the contractor shall provide a financial guarantee satisfactory to the agency guaranteeing payment of all costs within that deductible or retention, to include losses, claims and defense fees.

The specific contract name and number shall be endorsed to each policy and so shown on the Declaration Sheet of each policy and any Certificate of Insurance.

Evidence of this coverage shall be presented prior to the commencement of the contract.

**5. Section XI, Pricing Schedule:**

Delete the Pricing Schedule included with the Request for Proposals and replace with the Pricing Schedule on the DEQ website <http://www.deq.virginia.gov/tanks/homepage.html>. The Pricing Schedule has been revised to reflect labor rates for emergency response.

**6. Attachment 3, Data Sheets, Organizational Chart, Resumes, and Project Description:**  
**Under Project Experience, add a new line item (#13) as follows:**

13. Describe how your company or team addressed each type of project mentioned in Section III, Statement of Needs, for the following: Release Investigation, Alternate Water Supply, Initial Response/Initial Abatement, Emergency Response, Site Characterization, Post Site Characterization Monitoring, Phase II Initial Abatement, Corrective Action Plan, Corrective Action Implementation, Tank Closure, and Site Closure.

Note: This new line item #13 in Attachment 3 corresponds to Section IV, Proposal Preparation and Submission Instructions, B, 2d, Project Experience, Item 6.

7. **Attachment 8, Task Descriptions:**

Delete the following task codes/descriptions that are not applicable to the State Lead contract:

T040, General Project Management  
T064, Reimbursement Claim Preparation  
T114, Small Reimbursement Claim Preparation

8. **Sign-in Sheets from Pre-Proposal Conference:**

Sign-in sheets from the pre-proposal conference on January 19, 2010 are available on the DEQ website:  
<http://www.deq.virginia.gov/tanks/homepage.html>.

9. **Will DEQ make the cost model available to prospective offerors?**

DEQ has considered this request and determined that making the cost model available to prospective offerors is not in the best interest of the agency. Past experience has shown that offerors tend to propose lower prices for items in the cost model and higher prices for items not included in the cost model. Not knowing the cost model actually provides a more level playing field for all offerors and encourages offerors to provide competitive pricing for all items.